



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Agriculture

- ☒ Pre-proposal Statement of Inquiry was filed as WSR 06-03-036 ; or  
☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains; and WAC 16-319-041 Application for certification of forest reproductive material.

**Hearing location(s):**  
Washington State Department of Agriculture  
21 North First Avenue  
Suite 103 Conference Room  
Yakima, WA 98902

**Submit written comments to:**

Name: Debbie Hacker  
Address: P.O. Box 42560  
Olympia, WA 98504-2560  
E-mail: dhacker@agr.wa.gov  
Fax: (360) 902-2085 by 5:00 p.m. on May 1, 2006

Date: May 1, 2006; Time: 11:00 a.m.

**Assistance for persons with disabilities:** Contact the Agency  
Receptionist by calling:

**Date of intended adoption:** May 12, 2006  
(Note: This is NOT the effective date)

TTY (360) 902-1996 or (360) 902-1976

- Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to amend chapter 16-303 WAC to ensure that certification fees charged by the Washington State Crop Improvement Association, for crops which they are responsible for, are sufficient to cover operating costs.

**Reasons supporting proposal:** The proposed fee increases are necessary to help offset inflationary increases in the cost of operating the Washington State Crop Improvement Association. This proposal is supported by the Board of Directors for the Washington Crop Improvement Association and is necessary to maintain the current level of operations of the association.

**Statutory authority for adoption:** RCW 15.49.310, RCW 15.49.370(3), and Chapter 34.05 RCW

**Statute being implemented:** RCW 15.49.370(3)**Is rule necessary because of a:**

Federal Law? ☐ Yes ☒ No  
Federal Court Decision? ☐ Yes ☒ No  
State Court Decision? ☐ Yes ☒ No  
If yes, CITATION:

**DATE:****NAME (type or print)**

Robert W. Gore

**SIGNATURE****TITLE**

Assistant Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE STATE OF WASHINGTON FILED	
MAR 22 2006	
TIME	1058
WSR	06-07-166
	AM PM

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) The Washington State Crop Improvement Association Board of Directors

☒ Private  
☐ Public  
☐ Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Victor Shaul, Operations Manager	Yakima	(509) 225-2630
Implementation....	Victor Shaul, Operations Manager	Yakima	(509) 225-2630
Enforcement. ...	Fawad Shah, Program Manager	Yakima	(509) 225-2636

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Even though WSDA has an exemption to Initiative 601, which limits the rate of increase of fees charged, the proposed increase in the fees charged by the Washington State Crop Improvement Association are calculated upon the OFM fiscal growth factor for the fiscal year 2006. WSDA concludes that this fee increase does not impose 'more than a minor' cost upon the seed industry and therefore an SBEIS is not required according to RCW 19.85.030 (1)(a).

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency in RCW 34.05.328(5)(a)(i).

AMENDATORY SECTION (Amending WSR 05-05-052, filed 2/14/05, effective 3/17/05)

**WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains.** (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower .....	<del>\$((21.28))</del> <u>21.88</u>
(b) Field inspection fee per acre except millet and hybrid sorghum .....	<del>\$((2.94))</del> <u>3.02</u>
(c) Millet - first acre .....	<del>\$((31.66))</del> <u>32.55</u>
-each additional acre .....	<del>\$((6.31))</del> <u>6.48</u>
(d) Hybrid sorghum - first acre .....	<del>\$((31.66))</del> <u>32.55</u>
-each additional acre .....	<del>\$((12.65))</del> <u>13.00</u>
(e) Special field inspection fee per acre .....	<del>\$((2.51))</del> <u>2.58</u>
(f) Late application fee .....	<del>\$((19.94))</del> <u>20.50</u>
(g) Reinspection fee .....	<del>\$((39.93))</del> <u>41.05</u>
minimum for each field which did not pass field inspection plus <del>\$((0.43))</del> <u>0.44</u> for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is <del>\$((39.93))</del> <u>41.05</u> .	
(h) Final certification fee .....	<del>\$((0.245))</del> <u>0.25</u>
per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee .....	\$0.105
per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.	
(i) Sampling fee .....	\$0.105
per cwt. of clean seed sampled, with minimum charge of \$10.30 per sample, which is charged to conditioning plant in lieu of mechanical sampling.	

(2) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending WSR 05-05-051, filed 2/14/05, effective 3/17/05)

**WAC 16-319-041 Application for certification of forest reproductive material.** (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

~~(2) Timing of application requests for certification services:~~

(a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: Provided, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: Provided, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$ 27.00/hr.	\$ 27.00/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	<del>\$ ((9-88))</del> 0.90/bu.	\$ 27.00/hr.	
Lots 6-10 bu.	<del>\$ ((21-89))</del> 23.00/lot	\$ 27.00/hr.	
Lots 0-5 bu.	\$ 13.00/lot	\$ 27.00/hr.	
Audit	None	\$ 27.00/hr.	When billed

(b) Tree certification - \$ 27.00/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totaling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at \$ 27.00/hr. payable when billed.

(d) OECD certification (certificates of provenance) - \$ 0.60 per certificate plus the hourly audit rate. (Auditors shall issue

certificates.)